

E-Filed 5/18/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MEHRDAD NIKOONAHAD,

Plaintiff,

V.

GREENSPUN CORPORATION, et al.,

Defendant.

Case Number C 10-1247 JF (PVT)

ORDER¹ GRANTING APPLICATION
FOR EXTENSION OF TIME

[Re: docket no.20]

On April 22, 2010, Defendants filed their First Amended Counterclaim. Under Fed. R. Civ. P. 15(a)(3), Plaintiff's response was due on or before May 10, 2010. Plaintiff failed to respond by that date. On May 12, 2010, Plaintiff filed an *ex parte* application for an extension of time to respond to the amended counterclaim based on Plaintiff's unavailability from May 3, 2010, to May 30, 2010. Defendants filed a conditional non-opposition to Plaintiff's application, stating that they do not oppose granting Plaintiff's request provided that the response "is limited to Answering [sic] the counterclaim." (Dkt. No. 21 at 2.)

Although Plaintiff's unavailability obviously could affect counsel's ability to file a timely

¹ This disposition is not designated for publication in the official reports.

1 answer, the same is not true with respect to other types of responsive pleadings that would
2 challenge the sufficiency fo the counterclaim on legal grounds. Accordingly, Plaintiff's
3 application is granted, provided that the responsive pleading is an answer to the counterclaim.
4 The answer shall be filed on or before June 25, 2010.

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6 DATED: May 18, 2010

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8 JEREMY FOGER
9 United States District Judge

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